IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

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**WRIT PETITION NO : 11095 of 2004**

Between:

1. Pochana Narasimha Reddy, Aged about 49 years,
S/o.Konda Reddy, Founder Trustee of Sri Chennakesava,

Anjaneya and Sri Eswara Swamy Temples,
Kuluru Village, Rajupalem Mandal, Cuddapah District.
2. Pochana Balarami Reddy, Aged about 42 years,
S/o.Konda Reddy, Founder Trustee of Sri Chennakesava,

Anjaneya and Sri Eswara Swamy Temples,
Kuluru Village, Rajupalem Mandal, Cuddapah District.

**..... PETITIONERS**

AND

1. The Commissioner of Endowments, Tilak Road, Abids,

Boggulakunta, Hyderabad.
2. The Assistant Commissioner of Endowments, Cuddapah.
3. B.V.Sudhakar Reddy, Manager, Sri Chennakesava, Anjaneya

and Sri Eswara Swamy Temples, Kuluru (V) , Rajupalem (M),

Cuddapah District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly a writ in the nature of Writ of CERTIORARI calling for the records relating to the impugned proceedings dt.

22/06/2004 issued by the 3rd respondent contemplating to auction lease-hold rights of the lands belonging to the subject temples Sri Chennakesava, Anjaneya and Sri Eswara Swamy Temples, Kuluru (V), Rajupalem(M), Cuddapah District is bad, illegal, arbitrary and oppose to law and that the same may be quashed.

**Counsel for the Petitioners: MR. M.VIDYASAGAR**

**Counsel for Respondents 1 & 2: GOVERNMENT PLEADER FOR ENDOWMENTS**

**Counsel for Respondent No.3: MR. V.VENU GOPALA RAO**

**STANDING COUNSEL FOR**

**SRI C.A.&E.S.TEMPLES.**

**The Court made the following ORDER:**

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This writ petition is filed challenging the notice dated
22-6-2004 issued by the third respondent contemplating to auction the lease hold rights of the lands belonging to Sri Chennakesava, Anjaneya and Sri Eswara Swamy Temples in Kuluru village, Rajupalem mandal of Cuddapah district (for short, 'the temples').

2. The petitioners state that they are the founder trustees of the subject temples. Their grievance is that the third respondent has proposed to auction the lease hold rights of the temple lands by public auction by notice dated 22-6-2004 without intimation to the petitioners, who are the founder trustees. That apart, it is also alleged that the auction proposed by the third respondent is not in accordance with the procedure prescribed under G.O.Ms.No.379, dated 11-3-2003. It is alleged that the mandatory conditions under Rules 10, 11 and 12 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Rules, 2003 issued under G.O.Ms.No.379, dated 11-3-2003, have not been complied with insofar as the third respondent failed to mention the extent and Suvey numbers of the land proposed to be auctioned. It is also contended that whereas under Rule 11, the auction notice shall be published at least ten days prior to the date fixed for auction, the third respondent failed to maintain the said ten days' period. The petitioners state that though they made a representation before the Commissioner of Endowments on 29-6-2004, there was no response. Hence, this writ petition.

3. It is relevant to note that as per the impugned notice, the auction was scheduled to be conducted on 1-7-2004. However, by virtue of the interim order granted by this Court on 1-7-2004, the auction has been deferred. In the counter affidavit filed on behalf of the third respondent, the fact that the petitioners are the founder trustees of the temples is not disputed. However, an attempt has been made to justify the procedure followed by the Manager of the temples (third respondent) in proposing to auction the lease hold rights of the lands in question.

4. Keeping in view the fact that the auction under the impugned notice has already been deferred and particularly the relief sought by the petitioners is to follow the procedure as contemplated under the statutory rules, I deem it appropriate to dispose of the writ petition with a direction to respondents 2 and 3 to strictly adhere to the procedure prescribed under Rules 10, 11 and 12 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Rules, 2003, and to issue a fresh notice for auctioning the lease hold rights of the lands in question.

5. Accordingly, the writ petition is disposed of. No costs.

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**(G.ROHINI, J)**

Dated: 26th July, 2004.

Ak/Nsr

To

1.The Commissioner of Endowments, Tilak Road, Boggulakunta,

Abids, Hyderabad.

2.The Assistant Commissioner of Endowments, Cuddapah.

3.Two CCs to the Government Pleader for Endowments,

High Court Buildings, Hyderabad (O.U.T).

4.Two CD copies.